

1 Hon. Ronald B. Leighton
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

R. ALEXANDER ACOSTA, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT OF
LABOR,

the Secretary,
v.

AAA BUFFET, INC., a corporation d/b/a AAA
BUFFET; AAA KING BUFFET, INC. d/b/a
AAA BUFFET a corporation; XING SHI
YONG, an individual; YOU ZHU TENG, an
individual; XING SHI LU, an individual; and
HAI YAN LIN, an individual,

Defendants

Case No. 16-05360

**STIPULATED MOTION AND ORDER
MOVING PRETRIAL DEADLINES**

By this Court's order (Dkt. 34, filed 12/07/2016), and Local Rules ("LR") 16 and 51, the parties are required to make certain pretrial exchanges and filings by January 16, 2018.

However, the parties have scheduled a settlement conference, per LR 39.1(c)(3), for January 16, 2018, before the Honorable Richard Creatura. Dkt. 56. In an effort to conserve resources, the parties move the Court to reset certain deadlines established by the rules and the Court's order.

For those deadlines set by LR 16, "[t]he court may, by order in a specific case, modify or forego any of the procedures or deadlines set forth in this rule." LR 16(m)(2). For other aspects of the scheduling order, the dates "may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "Rule 16(b)'s 'good cause' standard primarily considers the diligence of the party seeking the amendment." *Johnson v. Mammoth Recreations, Inc.*, 975

1 F.2d 604, 609 (9th Cir. 1992).

2 Here, the parties have worked diligently with Judge Creatura's staff to select a mutually
3 agreeable date for mediation. The earliest time that all parties were available (including counsel
4 and party representatives with the authority to resolve the matter) was January 16, 2018. This
5 date is after the deadline for the Secretary to serve his pretrial statement on Defendants, and on
6 the same day as several other deadlines including the motion *in limine* deadline. As it may
7 conserve the parties' and the Court's resources to permit the parties to focus on mediation, the
8 parties propose the following modifications:

9 LR, action	10 Current Deadline	11 New Deadline
16(h), the Secretary's pretrial statement served on Defendants	1/8/2018	1/22/18
51(e), parties exchange proposed jury instructions	1/16/18	1/22/18
Dkt. 34, motions <i>in limine</i> filed	1/16/18	1/25/18
16(i), Defendants' pretrial statement served on the Secretary	1/16/18	1/25/18
16(k), conference of attorneys	1/26/18	1/30/18

14 The parties agree that motions *in limine* will still be noted for Friday, February 2, 2018,
15 in accordance with LR 7(d)(4).

16 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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1 Dated this 20th day of December, 2017.

2 NICHOLAS C. GEALE
3 Acting Solicitor of Labor

DOUGLAS GILL JR. & ASSOCIATES,
PLLC

4 JANET M. HEROLD
5 Regional Solicitor

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Attorney for Defendants AAA Buffet, Inc.
et.al

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15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 DATED this 21st day of December, 2017.



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18 Ronald B. Leighton
19 United States District Judge
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